

BEFORE THE IOWA BOARD OF PHARMACY

RE:  
Controlled Substances Act Registration of  
  
**JANICE KIRSCH, MD**  
Registration No. 1235670  
Respondent

CASE NO. 2018-25

**COMBINED ORDER TO SHOW CAUSE,  
SETTLEMENT AGREEMENT, AND FINAL  
ORDER**

**COME NOW** the Iowa Board of Pharmacy ("Board") and Janice Kirsch, MD, ("Respondent"), 1631 Fourth St SW, Ste 114-B, Mason City IA, 50401, and enter into this Combined Order to Show Cause, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10, 124.305, and 272C.3(4) (2018). The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 124, and 272C, and 657 IAC chapter 10.

**A. FACTUAL CIRCUMSTANCES**

1. Respondent holds Iowa Controlled Substances Act (CSA) registration number 1235670, which is currently active through December 31, 2018.
2. On February 15, 2018, the Iowa Board of Medicine approved a Combined Statement of Charges and Settlement Agreement that imposed discipline on Respondent's medical license for improper pain management. Under the Agreement, Respondent is prohibited from prescribing, administering, or dispensing controlled substances for the treatment of chronic pain. Respondent's medical license was also placed on probation for a period of 3 years.

**B. LEGAL GROUNDS**

3. Pursuant to Iowa Code section 124.304(1)(e) and 657 IAC 10.10(1)"e", the Board may suspend, revoke, or restrict a controlled substances registration upon a finding that the registrant has had the registrant's professional license revoked or suspended or has been otherwise disciplined in a way that restricts the registrant's ability to handle or prescribe controlled substances.

**C. ORDER TO SHOW CAUSE**

4. Based on the above Factual Circumstances and Legal Grounds, Respondent is hereby ordered to show cause why her controlled substances registration should not be **RESTRICTED**. In lieu of proceeding with a show cause hearing, Respondent agrees to resolve this matter by entering into the following Settlement Agreement and Final Order.

#### D. SETTLEMENT AGREEMENT AND FINAL ORDER

5. Respondent admits the Factual Circumstances and acknowledges that the Factual Circumstances, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

6. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to show cause hearing before the Board, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. Respondent acknowledges that she has the right to be represented by counsel on this matter.

8. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

9. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

10. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

11. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

12. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

#### IT IS THEREFORE ORDERED:

13. Respondent CSA registration is hereby **RESTRICTED** to prohibit Respondent from prescribing, administering, or dispensing controlled substances for the treatment of chronic pain as defined by the Iowa Board of Medicine.

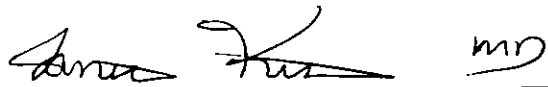
14. If the Iowa Board of Medicine permits Respondent to prescribe, administer, or dispense controlled substances for the treatment of chronic pain in the future, Respondent shall notify the Iowa Board of Pharmacy. Respondent's CSA registration shall remain restricted until such notification occurs.

15. Respondent shall comply with all terms and conditions of the Iowa Board of Medicine's probation. Respondent shall report any violations of his probation to the Iowa Board of Pharmacy immediately.


16. Respondent shall provide a copy of this Order to all employers.

17. Should Respondent violate the terms of this Order, the Board may initiate action to suspend or revoke Respondent's CSA registration as authorized by Iowa Code chapter 124 and 657 IAC chapter 10.

~~This Combined-Order-to-Show-Cause, Settlement Agreement, and Final Order is voluntarily~~  
submitted by Respondent to the Board for its consideration on the 2 day of  
March, 2018.

  
\_\_\_\_\_  
JANICE KIRSCH, MD  
Respondent

This Combined Order to Show Cause, Settlement Agreement, and Final Order is approved by  
the Iowa Board of Pharmacy on the 14 day of March, 2018.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy